

1 LYSSA S. ANDERSON
Nevada Bar No. 5781
2 KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO
3 8345 West Sunset Road, Suite 250
Las Vegas, Nevada 89113
4 Telephone: (702) 792-7000
Fax: (702) 796-7181
5 landerson@kcnvlaw.com

6 Attorneys for Defendants

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 LUCIA ELENA ANDRADE GONZALEZ,

Case No. 2:12-cv-01247-LDG-PAL

10 Plaintiff,

11 vs.

**STIPULATION AND ORDER FOR
PROTECTIVE ORDER REGARDING
CONFIDENTIALITY**

12 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; SHERIFF DOUGLAS C.
13 GILLESPIE, individually and in his official
capacity; J. LARSEN, individually and in his
14 official capacity; J. NELSON, individually and
in his official capacity; Z. BEAL, individually
and in his official capacity; DOE LVMPD
15 OFFICERS I through V, inclusive; DOE
LVMPD SUPERVISORS VI through X,
16 inclusive; DOES XI through XV, inclusive;
ROES XVI through XX, inclusive,

17 Defendants.

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19 Discovery in this action will require J. LARSEN, J. NELSON, and Z. BEAL
20 (collectively, "Defendants") to provide the parties to this lawsuit with information and
21 documents that contain information that is confidential, proprietary and sensitive as discussed in
22 Segura v. Reno, 116 F.R.D. 42 (D.Nev. 1987), and further may be subject to privilege with the
23 Defendants' Union Representative. Although this information may be subject to conditional
24 disclosure, the Defendants are entitled to the protections described below.

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO
8345 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

1 1. As used in this Protective Order, the term "Confidential Information" means any
2 documents, testimony, or other information that is produced from the date of this agreement
3 forward and has been designated as "CONFIDENTIAL".

4 2. The term "disclosure" shall include the dissemination, communication,
5 publication and reproduction of any confidential material or the specific contents of the
6 information contained therein, or the communication of any estimate or other information which
7 facilitates the discovery of confidential information. Should any pleadings with the Court
8 require reference or attachment of any confidential information, the attachment shall be filed
9 under seal pursuant to this Stipulation and Order, as further defined in Paragraph 11 below.

10 3. As used in this Protective Order, the term "qualified persons" means (i) counsel of
11 record for the parties to this litigation, including office associates, paralegals, and stenographic
12 and clerical employees to who disclosure is reasonably necessary; (ii) experts retained for the
13 purpose of this litigation to whom disclosure is reasonably necessary and who reviewed and
14 signed a copy of this Stipulation; (iii) parties to this action; and (iv) court personnel, including
15 stenographic reporters engaged in such proceedings as are necessarily incident to this litigation.

16 4. Confidential information shall be and remain confidential, and, except as allowed
17 by this Protective Order, may not be disclosed or communicated, nor used for any purpose other
18 than this litigation, including any appeals.

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KAEUFER CROWELL RENEHAW
GRONAUER & FLORENTINO
6346 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

1 5. Any and all documents containing confidential information must be retained by
2 counsel and not be disclosed or made available to any person other than a qualified person who
3 has read and acknowledged the terms of this Protective Order. Similarly, the confidential
4 information contained within those documents may not be disclosed to any person other than a
5 qualified person. To the extent reasonably necessary, copies of confidential documents may be
6 provided to experts retained for the purpose of this litigation to whom disclosure is reasonably
7 necessary and who have signed this Stipulation and Protective Order. Nothing in this Protective
8 Order shall in any way affect the admissibility or use at trial of any of the documents produced
9 under this Protective Order.

10 6. Any person who is in possession of confidential information, or to whom
11 confidential information is disclosed, is responsible for ensuring that such confidential
12 information is not inadvertently disclosed by him or her. Failure to take all reasonable
13 precautions to ensure against such inadvertent disclosure will be viewed by the Court as willful
14 disobedience of this Protective Order, and will be punished accordingly.

15 7. Counsel receiving confidential information may not disclose that confidential
16 information to any expert without first furnishing to that expert a copy of this Stipulation and
17 Protective Order and obtaining a signed copy of this Stipulation and Protective Order from that
18 expert.

19 8. Any person who executed a copy of this Stipulation and Protective Order submits
20 to the jurisdiction of this Court for purposes of enforcement of this Protective Order, either prior
21 to or following trial of this action. Jurisdiction of this action is to be retained by this Court after
22 final determination for purposes of enabling any party or person affected by this Protective Order
23 to apply to the Court for such direction or further decree as may be appropriate for the
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KEMPFFER CROWELL RENSNAW
GRONAUER & FLORENTINO
8345 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

1 construction or enforcement of this Protective Order, or for such additional relief as may become
2 appropriate.

3 9. If a party objects to the designation by Defendants of a documents or item,
4 pleading, or transcript of testimony as "CONFIDENTIAL" the party shall give notice of the
5 same to Counsel for Las Vegas Metropolitan Police Department, "LVMPD", in writing of the
6 document, pleadings, and/or testimony at issued and the reason for the objection. LVMPD shall
7 thereafter have twenty (20) business days within which to apply to the Court for appropriate
8 protection of the documents, pleadings, and/or testimony pursuant to the Federal Rules of Civil
9 Procedure. If LVMPD does not make application within twenty (20) business days after receipt
10 of the written objection (or within the stipulated time period if stipulated to be longer or shorter
11 than twenty (20) days), then the documents, pleading, and/or testimony at issued shall no longer
12 be deemed "CONFIDENTIAL". However, until expiration of the twenty (20) day time period
13 (or longer or shorter if stipulated) or until the Court enters an order changing the designation,
14 whichever is later, the information shall continue to be given the "CONFIDENTIAL" treatment
15 initially assigned to it and provided for in this order.

16 10. If any individual making copies of any confidential information allowed by this
17 agreement, said individual must ensure that the copies are also marked "Confidential".

18 11. Any person who wishes to file with this Court any document, paper, or other
19 tangible item disclosing confidential material may disclose only those confidential materials that
20 are necessary to support the pleadings, motion or other paper to which the confidential
21 document, paper, or other tangible item is attached and must do so under seal, permissible
22 pursuant to this Stipulation and Order.
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KAEFFER CROWELL RENSCHAW
GROHNER & FLORENTINO
8345 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

1 12. Nothing in this Protective Order precludes the deposition examination of any
 2 person regarding confidential information of which they have knowledge. In any such
 3 deposition, third-party may designate specific testimony deemed to be "CONFIDENTIAL" by
 4 advising the court reporter of such fact prior to the conclusion of the deposition. The reporter
 5 shall mark the fact of the transcript "CONTAINS CONFIDENTIAL INFORMATION." All
 6 transcripts of said deposition containing confidential information will be treated in accordance
 7 with this Protective Order, wherein if any portions of the deposition transcript containing
 8 confidential material is to be filed with the Court, it should be filed with the Court under seal as
 9 described in paragraph 11.

10 13. Only qualified persons may attend deposition examinations in this case unless
 11 counsel for all parties agree otherwise.

12 14. The parties taking any deposition shall retain a court reporter who agrees that
 13 before transcribing any such testimony, that all testimony containing confidential information is
 14 and shall remain confidential and shall not be disclosed except as provided in this Protective
 15 Order and that copies of any transcript, reporter's notes, or any other transcription records of any
 16 such testimony will be retained in absolute confidentiality and safekeeping by such shorthand
 17 reporter or delivered to attorneys of record or filed with the Court under seal.

18 15. If, during trial, any party intends to introduce into evidence any information
 19 designated as "CONFIDENTIAL", the party shall give timely notice of that intention to the
 20 Court and the opposing counsel, and the Court may take such steps as it shall deem reasonably
 21 necessary to preserve the confidentiality of such information, without violating any statute or
 22 other rule of the Court.

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KAEFFER CROWELL RENSNAW
 GRONAUER & FLORENTINO
 8345 West Sunset Road
 Suite 250
 Las Vegas, Nevada 89113

1 16. Nothing in this Protective Order requires a party to disclose confidential
2 information that the party also contends is protected from disclosure based upon a privilege
3 (including but not limited to HIPAA rights of others) or for some reason other than the mere
4 confidential or proprietary nature of the document or information (including but not limited to
5 non-discoverable trade secrets).

6 17. Upon the final determination of this action, counsel and all qualified persons shall
7 return any confidential information to counsel for the Defendants that produced the information,
8 upon their request, together with any copies of confidential information. Transcripts containing
9 confidential information also must be returned to the requesting Defendants' counsel. All
10 pleadings with confidential information attached or referenced may be maintained in the
11 appropriate counsel's files, and the appropriate counsel may maintain or destroy all documents
12 with work product thereupon, provided that such counsel and employees of such counsel, shall
13 not disclose any such material contained in such documents to any person or entity. All notes or
14 any other memorialization of the information contained in the confidential material produced that
15 are in the possession of a party may be retained by that party's counsel, but shall be placed in a
16 sealed envelope or other contained on the face of which shall be typed or printed:

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KAEMPFER CROWELL REINSHAW
GRONAUER & FIORENTINO
8945 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

CONFIDENTIAL

THE INFORMATION CONTAINED HEREIN IS
CONFIDENTIAL AND SUBJECT TO A PROTECTIVE
ORDER ISSUED BY THE UNITED STATES DISTRICT
COURT, DISTRICT OF NEVADA. ANYONE NOT
PERMITTED TO REVIEW THIS INFORMATION AS SET
FORTH IN THAT PROTECTIVE ORDER IS IN
VIOLATION OF THAT ORDER, AND MAY HAVE
SANCTIONS IMPOSED AGAINST HIM OR HER AS THE
COURT MAY DETERMINE AND ALLOWABLE UNDER
LAW AND MAY ALSO BE SUBJECT TO CONTEMPT OF
COURT PROCEEDINGS.

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KAEMPER CROWELL RENGSHAW
GROSSMAN & FIORENTINO
8345 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

1 18. Anyone found to be in violation of this Order may have sanctions imposed against
2 him or her as the Court may determine and allowable under law and may also be subject to
3 contempt of court proceedings.

4 DATED this ____ day of December, 2012.

5 KAEMPFER CROWELL RENSHAW
6 GRONAUER & FIORENTINO

CALLISTER & ASSOCIATES

7 By: 

By: 

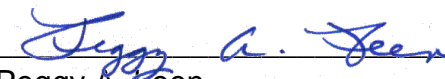
1/29/13

8 LYSSA S. ANDERSON
9 Nevada Bar No. 5781
10 8345 West Sunset Road, Suite 250
11 Las Vegas, Nevada 89113
12 Attorneys for Defendants LAS VEGAS
13 METROPOLITAN POLICE
14 DEPARTMENT; J. LARSEN; J.
15 NELSON and Z. BEAL

BROOKE A. BOHLKE
823 Las Vegas Blvd. So., 5th Floor
Las Vegas, NV 89101
Attorneys for Plaintiff

16 IT IS SO ORDERED.

17 Dated this 4th day of February, 2013.

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19 Peggy A. Leen
20 United States Magistrate Judge
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KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO
8345 West Sunset Road
Suite 250
Las Vegas, Nevada 89113